

Legislative/Governmental Affairs Update

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Director, Office of Governmental Affairs

February 9, 2018

UNITED STATES
PATENT AND TRADEMARK OFFICE



Nominee for Director of USPTO: Andrei Iancu

115th Congress, second session

USPTO Director Nomination

- Senate Confirmed Andrei Iancu as Director of the USPTO on Feb. 5, 2018, by a vote of 94-0
- Awaiting formal approval by the White House
- On Dec. 14, 2017, the Senate Judiciary Committee approved Mr. Iancu's nomination by unanimous consent
- Nomination hearing held on Nov. 29, 2017
- Chairman Grassley (R-IA) and Sen. Coons (D-DE) questioned Mr. Iancu at the hearing and members submitted 55 Questions for the Record (QFRs)

Congressional Activity – Calendar

115th Congress, second session

- **Federal Budget FY2018:** Operating under a Continuing Resolution (CR) until February 8, 2018 for FY2018. A new CR (#5) is pending in the Senate to extend funding through March 23; and will likely be amended. (to be updated at/before the meeting)
- **Legislative Agenda for beginning of 2018:**
 - Budget / FY 2018 Appropriations
 - FY 2019 President's Budget
 - Immigration/Deferred Action for Childhood Arrivals (DACA)
 - Debt Ceiling (approx. March 2018)
 - Infrastructure

Congressional Activity – *115th Congress, , second session*



Judiciary Committee Retirements and Changes

- **Senate Judiciary Committee**

- **Sens. Cory Booker** (D-NJ) and **Kamala Harris** (D-CA) were added to the SJC
- **Sen. Orrin Hatch** (R-UT) (President Pro Tempore) to retire

- **House Judiciary Committee**

- **Rep. Jerry Nadler** (D-NY) became the Ranking Member of the Full Committee (*replacing Rep. John Conyers (D-MI)*)
- **Rep. Hank Johnson** (D-GA), became the Ranking Member in the Subcommittee (*replacing Rep. Jerry Nadler (D-NY)*)
- **Chairman Robert Goodlatte** (R-VA) to retire
- **Rep. Darrell Issa** (R-CA), Chairman of the Subcommittee on the Courts, Intellectual Property and the Internet announced he was not running for reelection

Legislative Activity

115th Congress, second session

General Update

- Consideration of IP issues likely to be dominated by Copyright measures.
- Patent measures may also be considered addressing PTAB reforms, sovereign immunity and other issues.

Telework Enhancement Act Pilot Program (TEAPP) Extension

- USPTO's TEAPP authority expired on December 8, 2017
- H.R. 4171, a bill extending the program through December 31, 2020, was passed by the House on a voice vote on December 12, 2017
- Bill referred to the Senate Homeland Security and Governmental Affairs Committee

Legislative Activity

115th Congress, second session

WIPO World IP Day 2018:

- April 26, 2018
- **Theme: “Powering Change: Women in Innovation and Creativity”**
- Events on Capitol Hill, Alexandria, around the country (and world!) being planned.



2016

Innovation: Improving Lives

World Intellectual Property Day 2017

USPTO
AIPLA
CIPIC

#WIPD2017
#worldipday

Wednesday, April 26, 2017
4:00PM - 6:30PM • Senate Hart Office Bldg, Rm 902

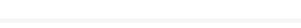
KEYNOTES BY:

TOBIE HATFIELD
Senior Director, Athlete Innovations & Explorations, Nike, Inc.
FlyEase Technology, a product designed for athletes of all abilities and ages

MARIO BOLLINI
Co-founder and Chief Technology Officer, Global Research Innovation and Technology, Inc.
The Freedom Chair, an all-terrain wheelchair and recipient of a 2015 Patents for Humanity Award



2017

Shutdown dates	Congress	President	Days
Oct. 1 - 10, 1976	● House ● Senate	● Gerald Ford	10 
Oct. 1 - 12, 1977	● House ● Senate	● Jimmy Carter	12 
Nov. 1 - 8, 1977	● House ● Senate	● Jimmy Carter	8 
Dec. 1 - 8, 1977	● House ● Senate	● Jimmy Carter	8 
Oct. 1 - 17, 1978	● House ● Senate	● Jimmy Carter	17 
Oct. 1 - 11, 1979	● House ● Senate	● Jimmy Carter	11 
Nov. 21 - 22, 1981	● House ● Senate	● Ronald Reagan	2 
Oct. 1, 1982	● House ● Senate	● Ronald Reagan	1 
Dec. 18 - 20, 1982	● House ● Senate	● Ronald Reagan	3 
Nov. 11 - 13, 1983	● House ● Senate	● Ronald Reagan	3 
Oct. 1 - 2, 1984	● House ● Senate	● Ronald Reagan	2 
Oct. 4, 1984	● House ● Senate	● Ronald Reagan	1 
Oct. 17, 1986	● House ● Senate	● Ronald Reagan	1 
Dec. 19, 1987	● House ● Senate	● Ronald Reagan	1 
Oct. 6 - 8, 1990	● House ● Senate	● George H.W. Bush	3 
Nov. 14 - 18, 1995	● House ● Senate	● Bill Clinton	5 
Dec. 16, 1995 - Jan. 5, 1996	● House ● Senate	● Bill Clinton	21 
Oct. 1 - 16, 2013	● House ● Senate	● Barack Obama	16 



Federal government shutdowns since 1976

There have been 19 gaps in funding for the federal government during the last four decades.

** Source: CRS/CNN

CR History:

1994 -- the last time all appropriations bills were passed individually prior to the start of the fiscal year

1996 -- the last time the spending laws were passed on time (accomplished with an omnibus package of six spending bills)

Questions and Comments

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Resource Slide:

USPTO's Office of Governmental Affairs: Overview

Structure: 10 Staff (mix of attorneys and non-attorneys)

Core Mission

**Represent USPTO
on Capitol Hill**

(Advance PTO's legislative agenda, prepare testimony, brief staff, provide technical advice)

**Respond to
Requests from
Members of
Congress and
Facilitate Clearance**

(constituent issues, clear IP policy documents within the Administration)

**Build Relationships
and Maintain
Goodwill with
Elected Officials**

(Support regional office engagement, build fed/state relationships & stakeholder outreach)